

CITY OF ST. ALBERT

CONSOLIDATION OF BYLAW 12/2006
(Consolidated by Bylaw 28/2006)

A Bylaw to Establish the Quasi-Judicial Standing Committee of Council

The Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS

Title

1. This Bylaw may be referred to as the “Quasi-Judicial Standing Committee Bylaw”.

Definitions

2. In this Bylaw

- (a) “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, any regulations thereunder, and any amendments or successor legislation thereto,
- (b) “Applicant” means a person or persons to whom an Order to be reviewed in accordance with this Bylaw is directed,
- (c) “Bylaw” means this Quasi-Judicial Standing Committee Bylaw,
- (d) “Chair” means the chairperson of the Committee,
- (e) “Chief Legislative Officer” means the person designated by the City Manager as the Chief Legislative Officer, and if no person is so designated, the City Manager,
- (f) “City” means the municipal corporation of the City of St. Albert or, where the context so requires, the area contained within the boundaries of the City,
- (g) “City Manager” means the chief administrative officer of the City of St. Albert,
- (h) “Committee” means the Quasi-Judicial Standing Committee,
- (i) “Council” means the municipal council of the City of St. Albert,
- (j) “Councillor” means a member of Council, including the Mayor,
- (k) “Mayor” means the City’s chief elected official,
- (l) “Member” means a person appointed as a member of the Committee,
- (m) “Order” means an order issued in accordance with sections 545 or 546 of the *Act*,
- (n) “Parties” mean the Applicant and the City Manager (or designate),
- (o) “Procedure Bylaw” means City of St. Albert Bylaw 12/99 and includes any amendments or successor bylaws thereto,
- (p) “Review Hearing” means a hearing scheduled by the Chief Legislative Officer in accordance with this Bylaw, and
- (q) “Section” and “Subsection” means respectively, a section or subsection of this Bylaw.

Establishment

3. There is hereby established a Council committee that shall be referred to as the Quasi-Judicial Standing Committee.

Responsibilities

4. The Committee may hold Review Hearings and is hereby delegated the powers, duties and functions to confirm, vary, substitute or cancel Orders.

Membership and Term

5. The Committee's membership shall consist of
 - (a) the Mayor, and
 - (b) two (2) other Councillors appointed by resolution of Council.
6.
 - (1) The Mayor shall serve as a permanent Member.
 - (2) Members other than the Mayor shall serve a one (1) year membership term commencing on the date designated by Council resolution. **(BL28/2006)**
 - (3) Notwithstanding Subsection (2), Members other than the Mayor who are appointed in the year 2006 shall serve as Members until December 31, 2006.
7. If a Member vacates the office of Councillor, Council shall appoint a replacement Member to fill that membership vacancy until such time as new membership positions are filled in accordance with Section 6.

Quorum and Meetings

8. All three (3) Members must be present at each meeting of the Committee to form quorum.
9. The Committee shall hold an organizational meeting subsequent to its appointment each year and shall hold Review Hearings as scheduled hereunder throughout the remainder of the Committee's term. **(BL28/2006)**

Chair

10.
 - (1) During
 - (a) the inaugural Review Hearing, if the same is held on or before December 31, 2006, and
 - (b) each annual organizational meeting held in accordance with Section 9,

Members shall designate a Chair to serve as such until the next annual organizational meeting.
 - (2) In the event that the position of Chair is vacated, Members shall designate an acting Chair to serve as such until a new Chair is designated at the next annual organizational meeting.
11. The Chair or acting Chair shall

- (a) be responsible for the conduct of the Review Hearing,
- (b) pronounce all Committee decisions rendered in accordance with this Bylaw, and
- (c) furnish written reasons for all Committee decisions rendered in accordance with this Bylaw.

Scheduling and Rules of Procedure

- 12. (1) Within
 - (a) fourteen (14) days after the date the Order is received, in the case of an Order issued in accordance with section 545 of the *Act*, and
 - (b) seven (7) days after the date the Order is received, in the case of an Order issued in accordance with section 546 of the *Act*,an Applicant may request, by written notice, that the Committee review the Order.
- (2) An Applicant's request to have an Order reviewed must disclose reasons for the request.
- 13. (1) Notwithstanding any prior policy or practice endorsed by Council, a Review Hearing shall be scheduled and conducted in accordance with the procedures set out in Appendix A of this Bylaw.
- (2) If a matter relating to the procedures of the Committee is not addressed by this Bylaw, reference should be made to the Procedure Bylaw.

Privative Clause

- 14. Subject to any right of appeal provided in the *Act*, any decision of the Committee shall be final and binding on the Parties, and no application for judicial review may be made with respect to any such decision.

READ a first time this 18th day of April, 2006

READ a second time this 18th day of April, 2006

READ a third time this 18th day of April, 2006

SIGNED AND PASSED this 20th day of April, 2006.

MAYOR

CHIEF LEGISLATIVE OFFICER

APPENDIX A

Review Hearing Procedures

1. Prior to a Review Hearing

- (a) The Chief Legislative Officer shall advise the City Manager/designate of the request for a Review Hearing.
- (b) The Chief Legislative Officer shall schedule the Review Hearing as soon as practicable, with a view to allowing the Parties sufficient notice and time to prepare for the Review Hearing.
- (c) The Chief Legislative Officer shall advise the Applicant and the City Manager/designate
 - (i) of the date, time and place of the Review Hearing,
 - (ii) of the right to have resource persons or witnesses present,
 - (iii) of the right to present any information pertaining to the review, including expert testimony,
 - (iv) that the review is limited to issues specific to the Order, and
 - (v) of the full contents of the Committee agenda package.

2. During the Review Hearing

- (a) Any Member who believes that circumstances may give rise to an apprehension of bias (but not a suspicion of bias) should excuse himself/herself from the proceedings. Thereafter, because quorum will not be met, the Review Hearing shall be adjourned and another Councillor shall be appointed as a Member for the limited purpose of the re-scheduled Review Hearing.
- (b) The Chair will outline the purpose of the Review Hearing, which is to provide
 - (i) an opportunity for the Parties to make representations to the Committee in support of their respective positions,
 - (ii) the Committee with the means to receive all information pertinent to its review of the Order, and
 - (iii) a process by which the Committee may reach a fair and impartial decision.
- (c) The City Manager/designate will have ten minutes to explain the rationale for issuing the Order under review.
- (d) The Applicant will have ten (10) minutes to present its case refuting the Order, and will have an opportunity to respond to information provided by the City Manager/designate.
- (e) The Committee may ask City Manager/designate questions for clarification.

- (f) The City Manager/designate will have an opportunity to respond to information presented by the Applicant.
- (g) The Committee may ask the Applicant questions for clarification.
- (h) Any other person in attendance who claims to be affected directly by the Order may speak for a maximum of two (2) minutes.
- (i) The Committee may ask relevant questions of other persons claiming to be affected by the Order.
- (j) The Applicant is permitted to speak for five (5) minutes in response to any new information that has been presented.
- (k) The City Manager/designate may speak for five (5) minutes in response to any new information that has been presented.
- (l) Neither the Applicant nor the City Manager/designate shall have the right to cross-examine each other or any witnesses who may be called.
- (m) The Committee may debate, if required, on matters raised during the presentation.
- (n) The Committee may meet *in camera* to deliberate. The Chief Legislative Officer will attend the *in camera* deliberations to advise on matters of procedure.
- (o) The only motion that can be made *in camera* is a motion to revert to open session.
- (p) If the Committee requires additional information or clarification in order to make its decision, the Parties will be asked to reconvene in order to provide and respond to the required additional information.
- (q) In open session, the Chair will pronounce the Committee's decision (which decision is supported by a majority of Members). If the Committee upholds the Order (or requires action on the part of the Applicant), the decision should state that the Applicant must comply with the Order (or complete the required action) by a specific date, failing which the City may rectify the problem at the Applicant's cost.

3. After the Review Hearing

- (a) The Chief Legislative Officer shall serve written notice of the Committee's decision, including reasons, by delivering or sending the same by regular mail to the to the office of the City Manager and to the Applicant's address disclosed in the request for review (or such alternate address as may be provided by the Applicant in writing to the Chief Legislative Officer).
- (b) The Chief Legislative Officer shall inform the Applicant of his/her right to appeal as set out in the Act.